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In re Application of
MESSERE et al
Application No.: 09/926,609
PCT No.: PCT/FR00/01424
Int. Filing Date: 25 May 2000
Priority Date: 25 May 1999
Attorney Docket No.: 214502US0PCT
For: TRANSPARENT GLAZING AND USE
THEREOF IN A CHILLING CHAMBER DOOR
COMPRISING IN PARTICULAR A GLAZING
UNDER VACUUM

NOTIFICATION

This application is before the Office of PCT Legal Affairs for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 25 May 2000, applicants filed international application PCT/FR00/01424 which claimed a priority date of 25 May 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 30 November 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 16 December 2000, prior to nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 26 November 2001 (25 November 2001 being a Sunday).

On 26 November 2001, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*: the basic national fee; the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date; a purported translation of the international application into English; and a preliminary amendment.

On 04 January 2002, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 03 April 2002, applicants submitted a declaration of inventors.

On 17 April 2002, the United States Designated/Elected Office mailed a NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) which accorded the above-identified application a 371(c) date of 03 April 2002.

On 30 August 2002, applicants submitted an amendment indicating that the word "absorbent" had been replaced by the word --adsorbent-- with regard to the antifrosting layer and that the English translation as filed on 26 November 2001 was incorrect.

DISCUSSION

In view of the amendment and remarks submitted in the 30 August 2002 response, it is apparent that the translation filed 26 November 2001 was not sufficient. Thus, the requirements of 35 U.S.C. 371(c) for entry into the national stage in the United States of America were not completed as of the 35 U.S.C. 102(e) and 371 dates indicated in the NOTIFICATION OF ACCEPTANCE mailed 17 April 2002. Accordingly, the 17 April 2002 NOTIFICATION OF ACCEPTANCE is hereby VACATED.

The fee for filing an English translation of an international application later than thirty months from the priority date of \$130.00 under 37 CFR 1.492(f) has been charged to Deposit Account 15-0030.

CONCLUSION

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the Office of PCT Legal Administration

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for mailing of a corrected NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) according the application 35 U.S.C. a 371(c) date of **30 August 2002** and issuance of a corrected filing receipt. The application will then be returned to the examiner for continued prosecution.



Daniel Stemmer

Legal Examiner

PCT Legal Affairs

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Legal Administration

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